

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Crl.Rev.Pet.No. 134 of 2007(B)

CRA.405/2006 of IV ADDL.SESIONS COURT, ERNAKULAM
CC.637/2002 of JUDL.MAGISTRATE OF FIRST CLASS, KOLENCHERRY
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REVN. PETITIONER: APPELLANTS/ACCUSED

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1. SUSAN SAJU, AGED 48 YEARS,
W/O.SAJU, NADACKAL HOUSE, KODANADU P.O.,
KURUPPAMPADY (VIA).
 2. M/S.J.J.FOOD PRODUCTS,
KODANADU P.O., REPRESENTED BY ITS MANAGING
PARTNER, SUSAN SAJU.

BY ADV. SRI.K.SUNILKUMAR
SMT.SUMEEDA. M.S

RESPONDENTS: RESPONDENTS/COMPLAINANT/STATE

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1. T.P.MATHAI, AGED 76 YEARS,
THURTHIYIL VEEDU, ALATTUCHIRA P.O.,
PERUMBAAVOOR.
 2. STATE OF KERALA REPRESENTD
BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 19/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.R. UDAYABHANU, J
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CRL. R.P. NO. 134 OF 2007

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Dated this the 19th day of February 2007

ORDER

The 1st revision petitioner stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to undergo simple imprisonment for one month and to pay a compensation of Rs.95,000/- vide section 357 (3) CrI.P.C with the default clause that the 1st accused shall undergo simple imprisonment for a further period of three months and the 2nd revision petitioner - the firm stands sentenced to pay a fine of Rs.5,000/-.

The counsel for the revision petitioner has sought for modification of the sentence and for time to make the payment. In the circumstances, sentence of the 1st accused is modified to imprisonment till rising of the court and to pay the compensation as ordered by the courts below. The 1st revision petitioner is granted four months time to make the payment less the amount already deposited. The 1st revision petitioner shall appear before the Judicial First Class Magistrate, Kolencherry on 22.06.2007 to receive sentence. The sentence imposed on the 2nd accused/revision petitioner is herewith set aside.

K.R. UDAYABHANU, JUDGE.

